

IN THE HIGH COURT OF DELHI

Bail Application No. 1869/2007

Amar Pal Singh Chadha @ Sonu Petitioner
! through: Mr. Atul Sharma, Advocate

VERSUS

\$ State & Anr. Respondent
^ through: Mr. Jaideep Malik, Advocate for
State.
Mr. Manu Sisodia, Advocate for the
complainant.

% DATE OF DECISION: 17.09.2007

CORAM:

* **Hon'ble Mr. Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment? Y
2. To be referred to the Reporter or not? Y
3. Whether judgment should be reported in Digest? Y

: **PRADEEP NANDRAJOG, J.**

FIR No. 550/2007 dated 7.8.2007

U/S. 498A/406/34 IPC

PS: Tilak Nagar.

1. Petitioner Amar Pal Singh Chadha is the husband of the complainant Manjit Kaur.

2. He seeks pre-arrest bail in aforementioned FIR.

3. It is an admitted case of the parties that petitioner and the complainant solemnize their marriage on 23.4.2000 at Haldwani and resided as husband and wife at Haldwani. It is also an admitted fact that the parties never resided in Delhi.

4. Gravement of the allegations against the petitioner

and his family members as contained in the FIR are that soon after the marriage dowry demand commenced. That notwithstanding that father of the complainant spent 20 lacs at the time of the marriage, petitioner and his family members demanded more and more. That the complainant was physically assaulted by not only the petitioner but even his paternal uncle and his paternal aunt. That in March 2001 complainant had to leave her matrimonial house. That in April 2001, due to intervention of family elders there was a reconciliation. That complainant went back to her matrimonial house but had to leave in August 2001 because of continued harassment. That in May 2003 complainant went to Haldwani to attend the marriage of her cousin. At that point of time, reconciliation was attempted but failed. That the entire istridhan and dowry articles of the complainant have been misappropriated by her husband and her in-laws.

5. It is urged by the petitioner that from a perusal of the FIR it is apparent that the complainant left her matrimonial house in August 2001. That a belated complaint has been filed just to harass the petitioner and his family members.

6. It is urged that it is difficult to believe that the complainant who left her matrimonial house in August 2001 would keep quiet till the year 2007 if indeed her istridhan was misappropriated.

7. Raising a legal plea, it is urged that entire cause of action, if at all, had accrued in Haldwani. Thus, the police at Delhi would have no jurisdiction to even register the FIR.

8. It is not in dispute that the marriage between the parties took place at Haldwani and whatever dowry was given by the parents of the complainant was at Haldwani. Further, all acts of alleged cruelty have admittedly been committed in Haldwani. Further, if at all entrusted, the istridhan of the complainant was entrusted by her to her in-laws at Haldwani.

9. In the light of the undisputed facts about marriage, alleged harassment and entrustment at Haldwani, question arises whether territorial jurisdiction would be at Delhi.

10. In so far as territorial jurisdiction is concerned, Section 177 Cr.P.C. provides that every offence shall ordinarily be enquired into and tried by a court within whose jurisdiction it was committed. Sections 178 to 184 Cr.P.C. carve out certain exceptions to the general rule.

11. With reference to Section 181 (4) of the Code of Criminal Procedure, in the decision reported as Rajender Singh Vs. State & Anr. 1998 (2) JCC (Delhi) 279, it was held that an offence of criminal breach of trust could be enquired into or tried by a court within whose legal jurisdiction the offence was committed or any part of the property which was the subject matter of the offence was received or retained or was required to

be returned or accounted for by the accused.

12. Since complainant is now residing in Delhi, prima facie, she would be entitled to return of her isticidhan at Delhi and thus, courts at Delhi would have jurisdiction over the matter.

13. Since I am dealing with an application for bail, I refrain from returning conclusive findings lest the accused persons are prejudiced if at all in a substantive petition a jurisdictional challenge is raised.

14. On the merits of the matter, suffice would it be to state that the inordinate delay (nearly 6 years) in filing the complaint after the complainant had withdrawn from her matrimonial house gives rise to a presumption in favour of the petitioner that no isticidhan of the complainant was retained by him or any of his family members.

15. I must additionally note that the FIR is the usual FIR which I notice in each and every case. All members of the family of the in-laws, uncles, aunts, married sisters-in-law, their husbands, married brothers of the petitioner, their wives, parents of the petitioner, even the brothers and sisters of the father-in-law and the mother-in-law of the complainant have been roped in. The number of accused disclosed in the complaint are 15.

16. Prima facie, complainant is trying to harass virtually every member of the family of her in-laws.

17. Under the circumstances, case is made out to grant

anticipatory bail to the petitioner.

18. The petition accordingly stands disposed of directing that on the petitioner joining the investigation and cooperating with the investigating officer, in the event of being arrested by the IO, petitioner would be released on bail on his furnishing a personal bond in sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the IO in the above captioned FIR.

19. Dasti.

September 17, 2007
mm

PRADEEP NANDRAJOG, J.